

1 AN ACT in relation to public health.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Mercury Fever Thermometer Prohibition Act.

6 Section 5. Findings.

7 (a) The General Assembly finds:

8 (1) that human exposure to mercury can result in  
9 adverse health effects, and mercury pollutants have been  
10 linked to nervous system, kidney, and liver damage and  
11 impaired childhood development;

12 (2) that mercury fever thermometers are easily  
13 broken, creating a potential risk of dangerous exposure  
14 to mercury vapor in indoor air and risking mercury  
15 contamination of the environment;

16 (3) that accidental mercury spills and thermometer  
17 breakages have proven costly to clean up;

18 (4) that according to the Mercury Study Report,  
19 prepared by the U.S. Environmental Protection Agency and  
20 submitted to the U.S. Congress in 1997, mercury fever  
21 thermometers contribute approximately 17 tons of mercury  
22 to solid waste each year;

23 (5) that according to the U.S. Environmental  
24 Protection Agency, the quantity of mercury in one mercury  
25 fever thermometer, approximately one gram, is enough to  
26 contaminate all fish in a lake with a surface area of 20  
27 acres;

28 (6) that accurate and safe alternatives to mercury  
29 thermometers are readily available and comparable in  
30 cost; and

31 (7) that many national pharmacy and retail chains

1           have discontinued the sale of mercury thermometers to  
2           consumers.

3           (b) It is the purpose of this Act to prohibit the sale,  
4           distribution, or promotional gifts of mercury fever  
5           thermometers in this State.

6           Section 10. Definitions. For the purposes of this Act,  
7           the words and terms defined in this Section shall have the  
8           meaning given, unless the context otherwise clearly requires.

9           "Mercury fever thermometer" means any device containing  
10          liquid mercury wherein the liquid mercury is used to measure  
11          the internal body temperature of a person.

12          "Mercury-added novelty product" means a mercury-added  
13          product intended for personal or household enjoyment,  
14          including, but not limited to, toys, figurines, adornments,  
15          games, cards, ornaments, yard statues and figurines, candles,  
16          jewelry, holiday decorations, and footwear and other items of  
17          apparel.

18          "Health care facility" means any hospital, nursing home,  
19          extended care facility, long-term facility, clinic or medical  
20          laboratory, State or private health or mental institution,  
21          clinic, physician's office, or health maintenance  
22          organization.

23          "Hospital" means any institution, place, building, or  
24          agency, public or private, whether organized for profit or  
25          not, devoted primarily to the maintenance and operation of  
26          facilities for the diagnosis and treatment or care of 2 or  
27          more unrelated persons admitted for overnight stay or longer  
28          in order to obtain medical, including obstetric, psychiatric,  
29          and nursing, care of illness, disease, injury, infirmity, or  
30          deformity.

31          "Person" means any individual, partnership,  
32          co-partnership, firm, company, limited liability company,  
33          corporation, association, joint stock company, trust, estate,

1 political subdivision, State agency, or non-profit  
2 organization, or any other legal entity.

3 Section 15. Sale, distribution, or promotional gifts of  
4 mercury fever thermometers prohibited.

5 (a) On or after July 1, 2004, no person shall sell,  
6 distribute, or give for promotional purposes (including  
7 online retail) mercury fever thermometers in this State.

8 (b) On or after July 1, 2004, no hospital shall  
9 distribute mercury fever thermometers in maternity or new  
10 baby gift packs to patients.

11 (c) This Section does not apply to mercury fever  
12 thermometers sold or provided to be used in a health care  
13 facility.

14 Section 20. Manufacturing of mercury fever thermometers  
15 prohibited. On or after July 1, 2004, no person shall  
16 manufacture a mercury fever thermometer in this State.

17 Section 25. Sale, distribution, or promotional gifts of  
18 mercury-added novelty products prohibited. On and after July  
19 1, 2004, no mercury-added novelty products may be offered for  
20 sale or distributed for promotional purposes in Illinois if  
21 the offerer or distributor knows or has reason to know that  
22 the product contains mercury, unless the mercury is solely  
23 within a button-cell battery or a fluorescent light bulb.

24 Section 30. Penalty for violation. A person who violates  
25 this Act shall be guilty of a petty offense and upon  
26 conviction shall be subject to a fine of not less than \$50  
27 and not more than \$200 for each violation.